

CHAPTER 397

TREES (PRESERVATION) 1981-49

This Act came into operation on 14th December, 1981.

Amended by:

This Act has not been amended

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1985

CHAPTER 397

TREES (PRESERVATION) 1981-49

Arrangement of Sections

- 1.** Citation
- 2.** Interpretation
- 3.** Application of Act
- 4.** Application for permit
- 5.** Conditions or restrictions in permit
- 6.** Cancellation or suspension
- 7.** Duration and renewal of permit
- 8.** Non-transferability of permit
- 9.** Notice to plant or replant trees
- 10.** Appeals
- 11.** Measures to be taken in default of notice
- 12.** Deposit of money
- 13.** Offences

14. Regulations

SCHEDULE

TREES (PRESERVATION) ACT, CAP. 397

**BARBADOS****TREES (PRESERVATION)
1981-49**

An Act to provide for the preservation of trees.

[Commencement: 14th December, 1981]

Citation

1. This Act may be cited as the *Trees (Preservation) Act*.

Interpretation

2. In this Act

“owner” has the meaning assigned to it by section 2 of the *Town and Country Planning Act*, Cap. 240.

Application of Act

3. This Act applies to any tree the circumference of which is one metre or more at a point half a metre or more from the ground; but does not apply to a tree the killing of which is for the prevention of imminent danger or is in compliance with an obligation under any other enactment.

Application for permit

- 4.(1) Any person who desires to kill a tree must first make an application to the Chief Town Planner for a permit to do so.
- (2) Every application for a permit referred to in subsection (1) must be in the form set out in the Schedule.
- (3) The Chief Town Planner may, on the receipt of an application under this section, cause such investigations to be made, including an inspection of any land, as he considers necessary for the purposes of determining the application.
- (4) Where the Chief Town Planner is satisfied that in the interest of the amenity of any land a tree to which an application relates may be killed, he shall, within 28 days of the receipt of the application, grant a permit in a form approved by the Minister.

Conditions or restrictions in permit

5. A permit issued in accordance with section 4 is subject to such conditions or restrictions as are specified in the permit.

Cancellation or suspension

6. The Chief Town Planner may, for good cause, cancel or suspend a permit granted under section 4; and a person to whom a permit is granted may, at any time before it expires, surrender it to the Chief Town Planner.

Duration and renewal of permit

7. Unless a permit is
- (a) surrendered or cancelled; or
 - (b) suspended under section 9,

it remains in force for 1 year beginning on the day when it is issued and it is renewable at any time.

Non-transferability of permit

8. A permit granted under this Act is not transferable.

Notice to plant or replant trees

9.(1) The Chief Town Planner may, for the purpose of preserving or enhancing the amenity of any vacant land, any land on which a new road is to be made or any land abutting upon, adjoining or near a public road, serve on an owner of such land a notice requiring him, within the time specified in the notice, to

- (a) plant or replant any tree of such size and species, and at such place, as is specified in the notice;
- (b) provide for the maintenance and protection of any tree;
- (c) clear the land of weeds or overgrown grass; or
- (d) take such other measures as are reasonably necessary for the purpose.

(2) A notice served under subsection (1) takes effect on the date specified in the notice; but where an owner appeals against a notice, it does not take effect until the appeal is determined or is withdrawn.

Appeals

10.(1) A person aggrieved by a decision of the Chief Town Planner may appeal to the Minister within 14 days of being notified of the decision; and a decision of the Minister is final.

(2) A person on whom a notice is served under section 9 may, at any time before the notice takes effect, appeal to the Minister against any requirement of the notice, on the grounds that

- (a) the planting or replanting of a tree in accordance with the notice is not in the interest of amenity;
- (b) the land relating to the notice is unsuitable for the purpose; or

(c) a requirement of the notice is otherwise impracticable or unreasonable, and a decision of the Minister is final.

(3) An appeal under this section must be in writing on a form approved by the Minister.

Measures to be taken in default of notice

11.(1) Where a person on whom a notice is served under section 9 fails to comply with the notice, the Chief Town Planner may enter upon the land to which the notice relates and take such measure or do such work as is necessary to effect compliance with the notice.

(2) Any expense incurred by the Chief Town Planner in respect of anything done under subsection (1) is a debt due to the Crown from the person on whom the notice is served.

(3) A debt due to the Crown under this section is recoverable before a magistrate for District 'A', notwithstanding the monetary limits imposed on the jurisdiction of a magistrate.

Deposit of money

12.(1) Where an application is made to the Chief Town Planner for permission to construct a building, he may require the applicant, before he begins development of any land, to deposit in a special account in the Treasury an amount of money as security against any failure to plant such trees and provide such grass or open space as the Chief Town Planner specifies in relation to any planning permission granted by him.

(2) Where an applicant under subsection (1) fails to do anything in respect of which a deposit is made under that subsection, the Chief Town Planner may cause such thing to be done in accordance with the planning permission; and the cost thereof may be deducted from the amount of the deposit.

(3) Where there is a balance after a deduction is made under subsection (2), that balance shall be repaid to the applicant upon application being made to the Accountant-General in such form as he approves.

(4) Where the cost of work done under subsection (2) is in excess of a deposit made under subsection (1), that excess is a debt due to the Crown and is recoverable before a magistrate for District 'A', notwithstanding the monetary limits imposed on the jurisdiction of a magistrate.

Offences

13.(1) Any person who kills a tree without first obtaining from the Chief Town Planner a permit under section 4 is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for 6 months, or to both.

(2) Any person who

- (a) fails to comply with a notice served under section 9;
- (b) uproots, removes, damages or destroys any tree planted pursuant to section 9, 11 or 12; or
- (c) obstructs, molests or otherwise interferes with any person in the execution of his duties pursuant to section 4(3),

is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for 6 months, or to both.

Regulations

14. The Minister may make regulations for the carrying into effect of the provisions of this Act.

SCHEDULE

(Section 4(2))

TREES (PRESERVATION) ACT, CAP. 397

